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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.,
Secretary to the Commission

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OPINION 318

Addition to the *Official Indexes of Rejected and Invalid Names in Zoology* of the names for three nominal genera and for fourteen nominal species of the Class Pelecypoda included in a paper by La Rocque (A.) distributed in microfilm in 1948



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 318

A. The Officers of the Commission

Honorary Life President : Dr. Karl Jordan (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*).

President : (Vacant).

Vice-President : Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*).

Secretary : Mr. Francis Hemming (*London, England*).

B. The Members of the Commission

(arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology).

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (*Vice-President*) (1st January 1944).

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (1st January 1944).

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (28th March 1944).

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (23rd April 1944).

Dr. William Thomas CALMAN (*Coulsdon, Surrey, England*) (1st January 1947).

Professor Béla HANKÓ (*Békéscsaba, Hungary*) (1st January 1947).

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (1st January 1947).

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947).

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948).

Mr. Francis HEMMING (*London, England*) (*Secretary*) (27th July 1948).

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948).

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948).

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950).

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950).

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950).

Professor Tadeusz JACZEWSKI (*Department of Systematic Zoology, Warsaw University, Warsaw, Poland*) (15th June 1950).

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950).

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950).

OPINION 318

ADDITION TO THE " OFFICIAL INDEXES OF REJECTED AND INVALID NAMES IN ZOOLOGY " OF THE NAMES FOR THREE NOMINAL GENERA AND FOR FOURTEEN NOMINAL SPECIES OF THE CLASS PELECYPODA INCLUDED IN A PAPER BY LA ROCQUE (A.) DISTRIBUTED IN MICROFILM IN 1948

RULING :—(1) (a) The new names proposed for three nominal genera and for fourteen nominal species in the Class Pelecypoda described in a paper by La Rocque (A.) entitled " Pre-Traverse Devonian Pelecypods of Michigan " possess no availability under the Law of Priority or under the Law of Homonymy as from the date in 1948 when the above paper in typescript form was distributed in microfilm under the heading " University Microfilms Publication 1059 ". (b) The names referred to in (a) above acquired the status of availability in zoological nomenclature only as from the date in 1950 when the foregoing paper by La Rocque was validly published in Section 10 of Volume 7 of the serial publication entitled *Contributions from the Museum of Paleontology, University of Michigan*.

(2) The under-mentioned generic names included in the paper specified in (1)(a) above and as there rejected for nomenclatorial purposes are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* as Names Nos. 172 to 174 respectively :—(a) *Diodontopteria* La Rocque, 1948 ; (b) *Liromytilus* La Rocque, 1948 ; (c) *Phenacocyclas* La Rocque, 1948.

(3) The under-mentioned specific names included in the paper specified in (1)(a) above and as there rejected for nomenclatorial purposes are hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* as Names Nos. 90 to 103 respectively :—(a) *calliotis* La Rocque, 1948, in the combination *Actinopterella calliotis* ; (b) *coralliophila* La Rocque, 1948, in the combination *Panenka coralliophila* ; (c) *ehlersi* La Rocque

1948, in the combination *Diodontopteria ehlersi*; (d) *furcistria* La Rocque, 1948, in the combination *Leptodesma furcistria*; (e) *kellumi* La Rocque, 1948, in the combination *Diodontopteria kellumi*; (f) *macrotis* La Rocque, 1948, in the combination *Cornellites macrotis*; (g) *michiganensis* La Rocque, 1948, in the combination *Follmannella michiganensis*; (h) *migrans* La Rocque, 1948, in the combination *Limoptera migrans*; (i) *nucella* La Rocque, 1948, in the combination *Goniophora nucella*; (j) *peninsularis* La Rocque, 1948, in the combination *Actinopterella peninsularis*; (k) *peninsularis* La Rocque, 1948, in the combination *Leiopteria peninsularis*; (l) *peninsularis* La Rocque, 1948, in the combination *Solenomorpha peninsularis*; (m) *pohli* La Rocque, 1948, in the combination *Phenacocyclas pohli*; (n) *sibleyense* La Rocque, 1948, in the combination *Conocardium sibleyense*.

I.—THE STATEMENT OF THE CASE

On 6th February 1951, Professor G. Winston Sinclair (for the Joint Committee on Zoological Nomenclature for Paleontology in America) and Dr. Richard E. Blackwelder (for the Nomenclature Committee of the Society of Systematic Zoology) addressed a joint letter to the International Commission, in which, on behalf of the bodies which they respectively represented, they (1) asked for a ruling that the distribution of a paper in the form of a microfilm does not constitute "publication" for the purposes of the *Règles*, and (2) cited, as an example of the practice against which they asked for a Ruling, the case presented by a paper by La Rocque (A.) containing the names of three new nominal genera, and of fourteen new nominal species, of the Class Pelecypoda which had been distributed in the form of a microfilm in 1948 but which had not appeared in printed form until 1950. The following is an extract from the foregoing application of the passage relating to the foregoing paper:—

.....

1. In 1948 a paper entitled "Pre-Traverse Devonian Pelecypods of Michigan", by Aurèle La Rocque, was offered for sale as "University

Microfilms Publication 1059", consisting of a microfilm copy of a typescript and accompanying plates of photographs. This offering was advertised to an extensive mailing-list of libraries and others, and the paper has been available to the public in this form since 1948.

2. In 1950 the same paper was issued in printed form as : Contributions from the Museum of Paleontology, University of Michigan, Volume 7, No. 10 (pp. 271—366, 19 plates).

3. In this paper (in both forms) are described three new genera and fourteen new species of pelecypods.

4. We ask the Commission to rule that the names of these new taxonomic units are to be ignored until their appearance in printed form in 1950.

.....

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : On the receipt of the joint application by Professor Sinclair and Dr. Blackwelder, the problem whether the distribution of a paper in microfilm constitutes "publication" for the purposes of the *Règles* was allotted the Registered Number Z.N.(S.) 528. For the time being, the associated problem of the status of the new names for Pelecypod genera and species in the paper by La Rocque distributed in microfilm in 1948 was allotted the same Registered Number, but later, when the question of principle had been settled by the adoption of *Declaration* 13 (as explained in paragraph 6 below), the question of the status of the individual names included in La Rocque's paper was re-registered as Z.N.(S.) 826.

3. Publication of the present application : The present application was sent to the printer in April 1951, and was published on 28th September 1951 in Part 11 of volume 2 of the *Bulletin of Zoological Nomenclature* (Sinclair & Blackwelder, 1951, *Bull. zool. Nomencl.* 2 : 306—308).

4. Support for the proposal submitted : Support for the proposal submitted in this case was received from the under-mentioned

groups of specialists and individual specialists. All the statements so received were published in the *Bulletin of Zoological Nomenclature* either in 1951 in volume 2 or in 1952 in volume 6. The references to the places where these statements were so published are given in each case in the following list. The communications in question were, in addition, summarised in the Agenda prepared for the Copenhagen Meetings of the Commission and the Colloquium (1953, *Bull. zool. Nomencl.* **10** : 270—274). For these reasons these communications are not reprinted in full in the present *Opinion*.

- (1) E. H. Behre (*Louisiana State University and Agricultural and Mechanical College, Baton Rouge, U.S.A.*) (1951, *Bull. zool. Nomencl.* **2** : 310)
- (2) The Committee on Nomenclature of the American Museum of Natural History, New York (1951, *ibid.* **2** : 308) (Note : This communication was signed by : Mont A. Cazier ; Edwin H. Colbert ; Norman D. Newall ; George H. H. Tate ; John T. Zimmerman (*Chairman*))
- (3) The " Zoological Record " Committee of the Zoological Society of London (1951, *ibid.* **2** : 311—312) (Note : This communication was approved at a meeting of the Committee attended by the following :—Sheffield A. Neave, C.M.G., O.B.E., D.Sc. (*Chairman*) ; William J. Hall, M.C., D.Sc. ; Francis Hemming, C.M.G., C.B.E. ; Sir Norman Kinnear, C.B. ; Terence Morrison-Scott, D.S.C., M.A., M.Sc. ; Malcolm Smith ; C. J. Stubblefield, D.Sc., F.R.S. ; L. Harrison-Matthews, Sc.D. (*Scientific Director and Deputy Secretary, Zoological Society of London*))
- (4) Robert Mertens (*Natur-Museum und Forschungs-Institut Senckenberg, Senckenberg-anlage, Frankfurt a. M., Germany*) (1952, *ibid.* **6** : 223).

5. Objections to the proposal submitted : The under-mentioned specialists expressed themselves as being in opposition to the proposal submitted. For reasons similar to those explained in the preceding paragraph, these communications are not reprinted in full in the present *Opinion*.

- (1) Charles H. Blake (*Massachusetts Institute of Technology, Department of Biology, Cambridge, Massachusetts, U.S.A.*) (1951, *Bull. zool. Nomencl.* **2** : 309) ;
- (2) Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) (1952, *Bull. zool. Nomencl.* **6** : 223).

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(52)38 : On 9th May 1952, a Voting Paper (V.P.(52)38) in regard to this case was issued to the Members of the Commission. Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 136—137), questions relating to the interpretation of the *Règles*, when the subject of decisions by the International Commission, are no longer eligible for inclusion in the “*Opinions*” Series, the Commission being required to render such decisions in the “*Declarations*” Series and to submit all *Declarations* so adopted to the next International Congress for approval. Accordingly, as the application submitted in the present case raised the individual case of the status of the names in the paper by La Rocque distributed in microfilm in 1948, in addition to asking for a Ruling on the issue of principle involved in the question whether the distribution of papers in the foregoing manner constituted “publication” for the purposes of Article 25 of the *Règles*, it was decided to submit two proposals in the foregoing Voting Paper for consideration by the Commission. The first of these was concerned with the proposed adoption of a *Declaration* on the subject of the status of papers distributed in microfilm, the second with the proposed adoption of an *Opinion* on the particular problem of the status of the new names in the paper by La Rocque distributed in microfilm in 1948. The subsequent history of the portion of the Sinclair/Blackwelder proposal which was concerned with the question of the interpretation of Article 25 is given in the Commission’s *Declaration* 13 rendered simultaneously with the present *Opinion*.¹ The following is the proposal relating to the names in the paper by La Rocque distributed in microfilm in 1948 which was submitted with Voting Paper V.P.(52)38 :—

The new names proposed for three genera and fourteen species in the Class Pelecypoda described in a paper by Aurèle La Rocque entitled “Pre-Devonian Devonian Pelecypods of Michigan” possess no availability under the Law of Priority as from the date in 1948 when the above paper in typescript form was distributed in microfilm. The following three generic names so made known are hereby added to the

¹ See pp. i—xii of the present volume.

Official Index of Rejected and Invalid Names in Zoology as being names possessing no status under either the Law of Priority or under the Law of Homonymy : [Here will be inserted the three generic names in question]. Similarly the following fourteen specific trivial names so made known are hereby placed on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology* as being names possessing no status under either of the Laws specified above : [Here will be inserted the fourteen specific trivial names in question]. The above names acquired availability in zoological nomenclature only as from the date in 1950 when the foregoing paper by La Rocque was validly published as Section 10 of Volume 7 of *Contributions from the Museum of Paleontology, University of Michigan*.

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 9th August 1952.

8. Particulars of the Voting on the draft "Opinion" submitted in Voting Paper V.P.(52)38 : The state of the voting on the draft *Opinion* submitted in Voting Paper V.P.(52)38 at the close of the Prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following seventeen (17) Commissioners (arranged in the order in which Votes were received) :*

Hering ; Riley ; Dymond ; Calman ; Hankó ; Bonnet ;
Vokes ; do Amaral ; Pearson ; Hemming ; Bradley ;
Esaki ; Lemche ; Mertens ; Stoll ; Cabrera ; Boschma ;

(b) *Negative Votes :*

None ;

(c) *Voting Paper not returned, one (1) :*

Jaczewski.

9. Declaration of Result of Vote : On 11th August, 1952, Mr. Hemming, Secretary to the International Commission, acting as

Returning Officer for the Vote taken on Voting Paper V.P.(52)38, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal for the adoption of the suggested *Opinion* submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. On 7th April 1954 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on the draft *Opinion* submitted in Voting Paper V.P.(52)38.

11. The following are the numbers of the pages on which the under-mentioned names placed on the *Official Indexes* in the Ruling given in the present *Opinion* appeared in the typescript version of the paper by La Rocque (A.) entitled "Pre-Traverse Devonian Pelecypods of Michigan" when distributed in microfilm in 1948 under the title *University Microfilms Publication 1059* :—

- calliotis*, *Actinopterella*, La Rocque, 1948, *Univ. Microfilms Publ. 1059* : 22 (in microfilm)
- coralliophila*, *Panenka*, La Rocque, 1948, *ibid.* : 118
- Diodontopteria* La Rocque, 1948, *ibid.* : 36
- ehlersi*, *Diodontopteria*, La Rocque, 1948, *ibid.* : 39
- furcistria*, *Leptodesma*, La Rocque, 1948, *ibid.* : 33
- kellumi*, *Diodontopteria*, La Rocque, 1948, *ibid.* : 41
- Liromytilus* La Rocque, 1948, *ibid.* : 51
- macrotis*, *Cornellites*, La Rocque, 1948, *ibid.* : 12
- michiganensis*, *Follmanella*, La Rocque, 1948, *ibid.* : 17
- migrans*, *Limoptera*, La Rocque, 1948, *ibid.* : 47
- nucella*, *Goniophora*, La Rocque, 1948, *ibid.* : 61
- peninsularis*, *Actinopterella*, La Rocque, 1948, *ibid.* : 21
- peninsularis*, *Leiopteria*, La Rocque, 1948, *ibid.* : 26
- peninsularis*, *Solenomorpha*, La Rocque, 1948, *ibid.* : 121
- Phenacocyclas* La Rocque, 1948, *ibid.* : 89
- pohli*, *Phenacocyclas*, La Rocque, 1948, *ibid.* : 96
- sibleyense*, *Conocardium*, La Rocque, 1948, *ibid.* : 102

12. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression "trivial name" and the *Official List* reserved for recording such names was styled the *Official List of Specific Trivial Names in Zoology*, the word "trivial" appearing also in the title of the *Official Index* reserved for recording rejected and invalid names of this category. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression "specific name" was substituted for the expression "trivial name" and the corresponding changes were made in the titles of the *Official List* and *Official Index* of such names (1953, *Copenhagen Decisions zool. Nomencl.*: 21). The changes in terminology so adopted have been incorporated in the Ruling given in the present *Opinion*.

13. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

14. The present *Opinion* shall be known as *Opinion* Three Hundred and Eighteen (318) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighth day of April, Nineteen Hundred and Fifty-Four.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

APPENDIX

Note for purposes of record regarding the circumstances in which Professor Aurèle La Rocque's paper on the Pre-Traverse Devonian Pelecypods of Michigan was distributed in microfilm prior to its being published in printed form in the normal manner

MINUTE, dated 8th October, 1954, by FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The citation in the application for the banning of the distribution of microfilm as a method of "publishing" zoological names submitted jointly by the Joint Committee on Zoological Nomenclature for Paleontology in America and the Nomenclature Committee of the Society of Systematic Zoology of the paper by Professor Aurèle La Rocque on the Pre-Traverse Devonian Pelecypods of Michigan distributed in microfilm in 1948 served the useful purpose of demonstrating that the problem raised by the applicant bodies was concerned not with a theoretical danger but with a problem which had actually arisen and on which it was important therefore that a decision should be taken at the earliest possible date. Nevertheless, the citation in this way of a paper by a particular author that had been distributed in a manner which it was desired to ban inevitably placed the author concerned in a somewhat embarrassing position.

2. It accordingly appeared to me, as Secretary to the Commission, that it would be fair to afford an opportunity to Professor La Rocque to furnish a personal statement on this matter before the publication of the *Opinion* by the Commission placing on the *Official Indexes of Rejected and Invalid Names* the new generic and specific names included in the version of the paper referred to above as distributed in 1948 in microfilm form. The following

is an extract from the letter dated 2nd October 1954 which I received from Professor La Rocque on this subject :—

I desire to emphasise certain aspects of the matter which have not been sufficiently stressed in the past.

All parties involved acted in good faith. The Chairman of my doctoral committee directed my work with early publication in mind long before the question of microfilming was raised ; the editors of the *Contributions from the Museum of Paleontology, University of Michigan*, continued with their plans for conventional publication long after the dissertation had been microfilmed. The paper was printed in March 1950 as No. 10 of volume 7 of the *Contributions*. I should not like the suggestion, however faint or unintentional, that the dissertation was microfilmed to gain advantage over other workers. There was simply no advantage to be gained over anyone, because no one, to my knowledge, was working on this group of pelecypods at the time. For that matter, no one has worked on them since.

The Dean and Faculty of the Horace H. Rackham School of Graduate Studies of the University of Michigan established the rule requiring microfilming of all dissertations within their jurisdiction with the praiseworthy aim of making the information contained in them more easily available than it was in typescript. My work happened to be the first to come under these rules in the field of paleontology.

When my dissertation came up for approval, I was bound to observe the rules of the Graduate School and I had no means of preventing the microfilming of the dissertation, even if I had wanted to. My personal feeling is that microfilming should not be considered as publication and I think that the conventional printing of my dissertation is evidence enough of my opinion in that matter.

It would be fair, I think, to mention these facts in the discussion of this case and I shall be much obliged if you will do so.

3. In replying on 7th October 1954, I assured Professor La Rocque that there had never at any time been any suggestion that any of the persons involved in this case had acted otherwise than in good faith. At the same time I gave an undertaking to Professor La Rocque that the information contained in his letter of 2nd October 1954 would be incorporated in the *Opinion* containing the Commission's decision in the present case.

4. In accordance with the undertaking referred to in paragraph 3 above, I hereby direct that the present Minute be attached to *Opinion* 318 as an Appendix.